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JOSEPH U.R.M. ELIBOSANG

FILED
DISTRICT COURT OF GUAM
AUG - 1 2007 
MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CR 07-00062
)	
Plaintiff,)	MOTION TO REOPEN DETENTION
)	HEARING PURSUANT TO 18 U.S.C.
vs.)	§ 3142(f)
)	
JOSEPH U.R.M. ELIBOSANG,)	
)	
Defendant.)	
_____)	

COMES NOW the defendant, JOSEPH U.R.M. ELIBOSANG, through counsel, John T. Gorman, Federal Public Defender, and moves this Honorable Court to reopen Mr. Elibosang's detention hearing pursuant to 18 U.S.C. § 3142(f).

On July 17, 2007, at Mr. Elibosang's initial appearance on a complaint, Designated District Court Judge, Michael J. Bordallo ordered him detained and scheduled his detention hearing for July 24, 2007 at 9:30 a.m. The parties filed a stipulation to take the detention hearing off calendar on July 23, 2007. On July 24, 2007, United States District Court Chief Judge, Frances M. Tydingco-Gatewood ordered the detention hearing taken off calendar. On July 27, 2007, Mr. Elibosang appeared before this Court for arraignment. This Court ordered the defendant detained.

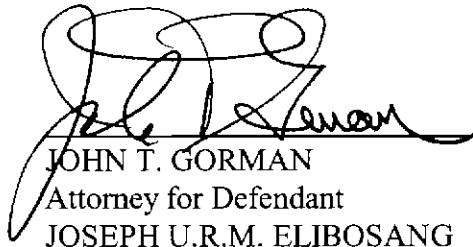
Defense counsel offered no argument as to bail as Mr. Elibosang was being held on a \$25,000 cash bail by the Guam Superior Court and thus, the federal detainer was moot at that time. Defense counsel however, reserved the right to re-open the detention issue if conditions changed with Mr. Elibosang's Guam Superior Court case.

18 U.S.C. § 3142(f) **Detention Hearing**, expressly authorizes reopening the detention hearing and states in pertinent part:

. . . The hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not know to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.

On August 31, 2007, Mr. Elibosang was ordered released from custody and placed on house arrest by the Guam Superior Court. This Court's detainer is now holding Mr. Elibosang in jail and is no longer moot. Due to these changed circumstances, Mr. Elibosang requests that a detention hearing be scheduled as soon as possible convenient with the Court's calendar.

DATED: Mongmong, Guam, August 1, 2007.



JOHN T. GORMAN
Attorney for Defendant
JOSEPH U.R.M. ELIBOSANG

CERTIFICATE OF SERVICE

I, RENATE A. DOEHL, hereby certify that a true and exact copy of the foregoing document was filed with U.S. District Court and electronically served by the U.S. District Court Clerk's Office to the following on August 1, 2007:

KARON V. JOHNSON
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UNITED STATES OF AMERICA

ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
U.S. Probation Office
Districts of Guam and NMI
2nd Floor, U.S. District Court

DATED: Mongmong, Guam, August 1, 2007.



RENATE A. DOEHL
Operations Administrator

JOHN T. GORMAN
Attorney for Defendant
JOSEPH U.R.M. ELIBOSANG